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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,001	11/21/2001	Futoshi Hachimura	B422-176	6301
26272	7590	04/04/2006	EXAMINER	
COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036			CHAI, LONGBIT	
		ART UNIT	PAPER NUMBER	
		2131		

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/990,001	HACHIMURA, FUTOSHI
	Examiner	Art Unit
	Longbit Chai	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-6,8-14,16-19 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-6,8-14,16-19 and 21-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 November 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Original application contained claims 1 – 30. Claims 2, 7, 15, and 20 have been canceled; claims 1, 13, 14, and 26 – 30 have been amended in an amendment filed on 3/20/2006. The amendment filed have been entered and made of record. Presently, pending claims are 1, 3 – 6, 8 – 14, 16 – 19 and 21 – 30.

Response to Arguments

1. Applicant's arguments with respect to the subject matter of the instant claims have been fully considered but are not persuasive.
2. As per claim 1, 13, 14, and 26 – 30, Applicant asserts: "the cited prior art of record does not teach the amended claim limitation – managing a key for decrypting an encrypted E-mail message addressed to a user's mail address, wherein the key for decrypting the encrypted E-mail message is not managed by the client". Examiner disagrees. Anderson teaches, in one of the presented embodiments (Anderson: Figure 5), managing a key for decrypting an encrypted E-mail message addressed to a user's mail address (Anderson: Para [0038] Line 1 – 4), wherein the key for decrypting the encrypted E-mail message is not managed by the client (Anderson: Figure 5 Element 515 / Element 550 and Para [0038] – [0039]: the encrypted E-mail message is first decrypted by a private key managed by the server – instead of the user) and subsequently two options for further message delivery to the user – either the received message is re-encrypted (by using the user's public key) or the received message is

unencrypted (Anderson: Figure 5 Element 540 / 545 / 550 and Para [0039]). Therefore, Anderson does teach managing a key for decrypting an encrypted E-mail message addressed to a user's mail address, wherein the key for decrypting the encrypted E-mail message is not managed by the client and as such applicant's arguments are respectfully traversed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3; 6, 8 – 14, 16, 19 and 21 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (Patent Publication Number: 2002/0052923), in view of Saliba et al. (Patent Publication Number: 2001/0037315).

As per claim 1, 13, 14, 26 – 30, Anderson teaches a communication system having a server for providing a Web E-mail service (Anderson: see for example, Para [0002] Line 3) to a client, wherein said server comprises:

management means for managing a key for decrypting an encrypted E-mail message addressed to a user's mail address (Anderson: Para [0038] Line 1 – 4),

wherein the key for decrypting the encrypted E-mail message is not managed by the client (Anderson: Figure 5 Element 515 / Element 550 and Para [0038] – [0039]; the encrypted E-mail message is first decrypted by a private key managed by the server – instead of the user) and subsequently two options for further message delivery to the user – either the received message is re-encrypted (by using the user's public key) or the received message is unencrypted (Anderson: Figure 5 Element 540 / 545 / 550 and Para [0039]) and Para [0002] Line 3, Para [0004] Line 10 – 21)).

Anderson does not disclose expressly web encryption communication means for establishing a Web encryption communication with the client, and communicating with the client by the established Web encryption communication.

Saliba teaches web encryption communication means for establishing a Web encryption communication with the client, and communicating with the client by the Web encryption communication established by said web encryption communication means (Saliba: Para [0120]: SSL provides the lower level data encryption communication).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Saliba within the system of Anderson because (a) Anderson teaches providing e-Mail access through web URL, and (b) Saliba teaches providing e-Mail distribution by protecting the URL via SSL encryption to enhance the security (Saliba: Para [0120]).

Anderson in view of Saliba teaches:
authentication means for executing authentication of a use of allowance of the key managed by said management means to the client when the client requests to

decrypt the encrypted E-mail message (Anderson: Anderson: Figure 5 Element 515 / Element 550 and Para [0038] – [0039]) while the server communicates with the client by said established Web encryption communication (Anderson: Para [0019] Line 6 – 10 & Saliba: Para [0120]);

decrypting means for decrypting said encrypted E-mail message using key managed by said management means is authenticated by said authentication means (Anderson: Figure 5 Element 515 / Element 550 and Para [0038] – [0039]).

transmission control means for controlling to transmit said decrypted E-mail message decrypted by said decrypted means to the client through the Web encryption communication established by said web encryption communication means (Anderson: see for example, Para [0019] Line 6 – 10: to deliver the E-mail across the network such as internet URL (HTTP) through various nodes and links until it reaches the recipient users) & (Saliba: Para [0120]).

As per claim 3 and 16, Anderson as modified teaches said authentication means provides said client with a window data to authenticate the use allowance of the managed key (Anderson: Para [0021] Line 10 – 11).

As per claim 6 and 19, Anderson as modified teaches said web encryption communication means establishes the Web encryption communication with the client by using SSL (Anderson: Para [0019] Line 6 – 10 & Saliba: Para [0120]: URL @ HTTP / SSL encryption as to be the standard protocol layer).

As per claim 8 and 21, Anderson as modified teaches said authentication means authenticates the use allowance of the managed key during a session of the Web encryption communication continuously established between said client and a server (Anderson: Para [0021] Line 10 – 11 & Saliba: Para [0120] Line 5 – 11).

As per claim 9 and 22, Anderson as modified teaches said authentication means stops said authenticated use allowance, in the case where at least either the case where said encryption communication is ended with an error or the case where said encryption communication has passed a fixed time is satisfied (Anderson: see for example, Para [0018] the last 3rd & 2nd sentences).

As per claim 10 and 23, Anderson as modified teaches said server further comprises signature means for executing a digital signature to an E-mail required for the digital signature by said client (Anderson: see for example, Para [0022] Line 18 – 19 and Para [0027] Line 1 – 10).

As per claim 11 and 24, Anderson as modified teaches management means for managing whether said key is under multiple use, an said management means comprises stop means for stopping the use allowance of said session under multiple use in the case where said session is judged to be under multiple use (Anderson: see for example, Para [0027] Line 5 and Para [0018] the last 3rd & 2nd sentences: The recipient's private key must not be used by others).

As per claim 12 and 25, Anderson as modified teaches the key for decrypting said encrypted E-mail is a secret key in a code of a public key cryptosystem (Anderson: see for example, Para [0027] Line 5).

3. Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (Patent Number: 2002/0052923, in view of Saliba et al. (Patent Publication Number: 2001/0037315), and in view of McArdle (Patent Number: 6442686).

As per claim 4 and 17, Anderson as modified does not disclose expressly said authentication means authenticates the use allowance using a passphrase inputted from said client.

McArdle teaches said authentication means authenticates the use allowance using a passphrase inputted from said client (McArdle: see for example, Column 2 Line 11 – 18).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of McArdle within the system of Anderson as modified because McArdle teaches providing enhancing security with a Policy Management Agent to ensure the E-mail must adhere to the policies associated with the E-mail server (McArdle: see for example, Column 3 Line 25 – 30).

4. Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (Patent Number: 2002/0052923), in view of Saliba et al. (Patent Publication Number: 2001/0037315), and in view of Baxter (Patent Number: 6385306).

As per claim 5 and 18, Anderson as modified does not disclose expressly said authentication means authenticates the use allowance based on a biometrics information of a user inputted from said client.

Baxter teaches said authentication means authenticates the use allowance based on a biometrics information of a user inputted from said client (Baxter: see for example, Column 5 Line 45 – 56).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Baxter within the system of Anderson as modified because Baxter teaches providing enhancing security by using speech recognition for validating the authenticity of the subscriber record and authorizing the transmission of the E-mail message (Baxter: see for example, Column 5 Line 49 – 56).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Longbit Chai
Examiner
Art Unit 2131


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